

**UNITED STATES DISTRICT COURT**

## DISTRICT OF NEVADA

10 On November 7, 2016, pro se Plaintiff Rigoberto Enrique Isaza filed motion to proceed *in*  
11 *forma pauperis* (ECF No. 1) along with a complaint (ECF No. 1-1). On September 7, 2017, this  
12 Court granted the motion to proceed *in forma pauperis*, but dismissed the complaint, with leave to  
13 amend within thirty days. More than thirty days has elapsed, and Plaintiff has not filed an amended  
14 complaint.

15 Plaintiff was advised that failure to file an amended complaint which addressed the  
16 deficiencies specified in the Court's previous order (ECF No. 2) would result in a recommendation  
17 that his case be dismissed. As Plaintiff has been given notice of the deficiencies in his complaint but  
18 has failed to file an amended complaint in a timely manner, the Court will recommend that this case  
19 be dismissed without prejudice.

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## RECOMMENDATION

**IT IS HEREBY RECOMMENDED** that Plaintiff's case be dismissed without prejudice.

## NOTICE

4 Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in  
5 writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held  
6 that the courts of appeal may determine that an appeal has been waived due to the failure to file  
7 objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also  
8 held that (1) failure to file objections within the specified time and (2) failure to properly address and  
9 brief the objectionable issues waives the right to appeal the District Court's order and/or appeal  
10 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.  
11 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

DATED: December 5, 2017

C.W. Hoffman, Jr.